

**MINUTES OF THE
JOINT PUBLIC EDUCATION APPROPRIATIONS SUBCOMMITTEE MEETING
THURSDAY, FEBRUARY 5, 2009, 2:00 A.M.
Room 445, State Capitol**

Members Present: Sen. Howard A. Stephenson, Co-Chair
Rep. Merlynn T. Newbold, Co-Chair
Sen. D. Chris Buttars
Sen. Karen W. Morgan
Rep. Tim M. Cosgrove
Rep. Lorie D. Fowlke
Rep. Kevin S. Garn
Rep. Francis D. Gibson
Rep. Bradley G. Last
Rep. Ronda Rudd Menlove
Rep. Marie H. Poulson

Members Absent: Sen. Lyle Hillyard
Rep. Gregory H. Hughes
Rep. Rebecca D. Lockhart
Rep. Phil Riesen

Staff Present: Ben Leishman, Legislative Fiscal Analyst
Patrick Lee, Legislative Fiscal Analyst
Karen C. Allred, Secretary

Public Speakers Present: Madlyn Runburg, Director of School Programs, Utah Museum of Natural History
David Jackson, Senior Vice President, ARUP Laboratories
Ken O'Brien, Science Specialist, Salt Lake School District
Judith Payne, Science Teacher and Program Coordinator of the Nature Center, Murray School District
Michael Ballam, Representative of the POPs Organization
Cheryl Johnson, Teacher, North Summit Elementary School
Students, North Summit Elementary School
Students, Tanner Dance Group
Larry Shumway, Deputy Superintendent, Utah State Office of Education
Karl Wilson, Liaison to the Utah Schools for the Deaf and the Blind, Utah State Office of Education
Tim Smith, Interim Superintendent, Utah Schools for the Deaf and the Blind
Jennifer Howell, Director of Curriculum, Utah Schools for the Deaf and the Blind

Michael Sears, Finance Director, Utah Schools for the Deaf and the Blind
Patti Harrington, Superintendent, Utah State Office of Education
Todd Hauber, Associate Superintendent, Utah State Office of Education

A list of visitors and a copy of handouts are filed with the Subcommittee minutes.

Co-Chair Newbold called the meeting to order at 2:28 p.m.

1. **Minutes**

No minutes were approved from previous meetings.

2. **Committee Business**

There was no committee business.

3. **Education Budget Issues:**

a. Science Outreach & Presentation

Madline Runburg, Utah Museum of Natural History, representing the iSEE Programs, recognized the executive directors and volunteer board members present in support of the iSEE program. Ms. Runburg explained that their program has three guiding questions they are continually asking themselves: what is the need; what is the value; and what is the impact? She invited guests to make presentations.

David Jackson, Senior Vice President, ARUP Laboratories, which is a reference laboratory owned by the University of Utah, reported that ARUP preforms laboratory tests on samples from patients all across the United States, 75 percent of which are technical tests. There are not enough medical technologists available. Utah has three programs where medical technologists are trained, which equates to 75-80 new medical technologists per year, and currently ARUP has 66 openings, and they are not the only business in Utah that uses medical technologists. ARUP works with high school guidance counselors to get students to see the value of staying in Chemistry and Biology, and understanding that there is a great future in continuing in these studies.

Ken O'Brien, Science Specialist, Salt Lake City School District, explained that the iSEE organizations have reached out to districts in a desire to create Utah core curriculum focused

on science support for student and teachers. These organizations are dedicated to supporting quality science instruction. The Salt Lake Center for Science Education is a 6-9th grade district dependent charter school and is also responsible for district wide science professional development. They teach close to 150 pre-service teachers from the University of Utah their Science Methods courses, involving the Clark Planetarium, who donate their expertise in this teaching.

Judith Payne, Science Teacher and Program Coordinator of the Nature Center, Murray School District, reported that almost every fourth grader in Murray School District has had the opportunity of receiving services from the Outreach Programs. As a teacher, she is impacted because of the wealth of knowledge the programs bring, and the programs motivate and help her to excite the children to want to learn more about Science. The students really learn from the program and don't forget their experiences. They see Science as real, fun and possible for them.

The Science Outreach Program brought a display of small snakes, a boa named Kyle, plants and fossils, and passed out materials about their program to the committee.

b. *Art Outreach & Presentation*

Michael Ballam spoke to the committee. He represents the POPs organization, made up of nine professional arts organizations that serve tens of thousands of children every year spoke to the committee. POPs comes to essentially every school in the state of Utah to empower teachers to teach the core curriculum in a creative way. Every dollar from the State is matched by the organizations in this program. A group of children from the North Summit Elementary School in Coalville, created an opera entirely on their own-- the costumes, scenery, make-up, music and lyrics-- which will be performed for the committee at this meeting.

Cheryl Johnson, Teacher, North Summit Elementary School, expressed appreciation for the money given to the POPs organization that allows professionals to come to her school to help her students. She introduced David Naylor, a composer from the POP's organization, who has arranged their music. Ms. Johnson expressed how the process of learning opera has facilitated other areas of study for her students.

The students from North Summit Elementary School performed this opera for the subcommittee.

The Tanner Dance Group performed for the subcommittee and presented several pieces of artwork.

Sen. Stephenson commented that a letter from the Utah High School Activities Association was distributed to the committee. Dave Wilkey is a new Executive Director, and wants the committee to know that they are respectful of the budget adjustments. Sen. Stephenson asked Dr. Shumway to speak in their behalf.

Larry Shumway, Deputy Superintendent, Utah State Office of Education, responded that the Activities Association recognizes the challenges facing programs throughout Public Education and the necessity of taking cuts in their program. Programs being cut include reducing the number of contests, encouraging reduction in travel, and taking great care in the kinds of out of state trips approved. A letter similar to the one given the committee, has been sent to all Boards of Educations, Superintendents, and Principals encouraging care and restraint in the Activities Program.

c. Utah Schools for the Deaf and the Blind

Karl Wilson, Liaison to The Utah Schools for the Deaf and the Blind, USOE, introduced Tim Smith, Interim Superintendent, USDB; Jennifer Howell, Director of Curriculum USDB; and Michael Sears, Director of Finance, USDB. Mr. Wilson expressed appreciation to the USDB for the role they play in helping the school districts and charter schools meet the needs of the Deaf, Blind and Deaf Blind students in Utah.

Superintendent Smith reported that the USDB was created by the Utah Legislature over a hundred years ago. They serve approximately 2,200 students with sensory disabilities all across the state, working in partnership with local school districts in outlying areas and have major populations in Salt Lake, Ogden and Utah Valleys. It is the goal of USDB to have the potential of these students become a reality in their lives.

Jennifer Howell spoke of three different types of USDB programs. The center based program is for the 157 students who only attend the USDB in the facility in Ogden and the Jean Massiu School for the Deaf in Salt Lake City, and do not attend any public school. The Magnet Program are students brought from a large geographical area across several districts and transported to a central location, with a classroom teacher in a regular public school. Currently 234 of these students K-12th grade are served in shared facilities in the Granite, Alpine, Ogden, Weber and Washington School Districts. The Outreach program serves the majority of students in school districts and charter schools throughout the state. The student attends their local neighborhood school and the USDB sends a consultant teacher to work with the student and teacher directly to make sure they have access to the core curriculum.

The School for the Blind has 532 students from birth to age 21, with emphasis on core curriculum, expanded core curriculum including reading braille, learning technology specific for the visually impaired, and advancing social skills.

The Utah School for the Deaf provides services to 1,296 and are the only State School in the nation that provides opportunities for parents to select and receive full services in whatever communication option the family prefers, such as Auditory/Oral, American Sign Language, Cued Speech and Signed Speech. They serve students from birth through age 21.

The Deafblind and Specialty Services Program serve 117 students with communication interveners who are individually and specifically trained to help the student interact with the world around them. This program is a National Model Program.

The Parent Infant Program focuses on 251 children birth to three years old. Teachers go into the home and help parents prepare the children for school.

Related Services have nine different departments that provide services to students to all USDB programs across the state. The Curriculum Department includes the statewide Educational Resource Center which provides textbooks, specialized instructional materials, and teaching aids for students with sensory disabilities. These are shared with teachers in local school districts and USDB facilities. The Educational Access Center is newly formed and includes Assistive in Educational Technology Program and the Utah State Instructional Materials Access Center (USIMAC), which was created last year with one-time funding, to provide braille, large print and electric format textbooks for students who have print disabilities.

Michael Sears spoke of the impacts the budget reduction will have on the USDB. The first impact would be a reduction of FTEs since 85 percent of budget goes to personnel. The USDB is requesting four building blocks in addition to the base budget consisting of: a continuation of one-time funding for USIMAC; a teacher base step and lane change; a Related Services staff FTE increase; one-time funds for a newly leased building for Related Service providers. They have made a request to the State Building Board, for the purchase of the Libby Edwards Elementary school in Salt Lake, to be their main Salt Lake Campus.

Superintendent Smith commented on the purchase of the Libby Edwards Elementary School. They are losing a lease on a building they use to house a majority of their students on June 30, 2009, therefore it is critical for them to have the Libby Edwards building. He expressed appreciation for the support of USOE and for the support of the committee.

Rep. Newbold asked if the four building blocks mentioned were monies over and above what was received this year. Mr. Sears responded that two of the four building blocks are repeats from this year's budget, but all are in addition to their on-going base budget. Rep. Newbold asked what determines whether a student goes to one of the two central locations, or to one of the outreach schools, and mentioned a constituent who thought it would save money to consolidate facilities. Superintendent Smith responded that the children are served

as determined by the Individual Education Plan that is presented by a team. The parents and the team decide what is needed by the student. If all of the students were consolidated into one location transportation costs would increase greatly and costs would be much greater. Ms. Howell responded that the decisions are made by the student's family, teachers and the school, based on the intensity of services needed. The center based students need more intense services, and the outreach students require less service. Rep. Newbold asked if the Outreach Program goes to each individual elementary school or are the outreach areas centralized. Superintendent Smith responded that they go to the school where the student resides, and then provides the needs for that child with a partnership with the school.

Rep. Poulson asked what the cost difference is between the students that are mainstreamed and those in the central location, and how the decisions of where they are served are made. Superintendent Smith responded that the decisions are made by the IEP team of which the parents are an integral part. The cost depends on the service need, some students cost about \$80,000 per year, and some cost about \$6,000. Ms. Howell responded that the decision of what services a student needs is made without a consideration of cost.

Rep. Cosgrove responded that he has family that has been served well through the extended and the residential programs and asked what the cuts of eliminating summer camp, the athletic program, the possible elimination of extended year teaching program and the residential program would mean for the students. Superintendent Smith responded that their priority is to save programs and save jobs. They are looking at ways to redefine their vacancy savings, but with the large budget reductions, they may have to cut programs. Mr. Sears responded that one of the ways they are considering making reductions is combining classrooms and keep unfilled vacancies not filled. Rep. Cosgrove asked if the Individual Education Plan is put in jeopardy with the Federal guidelines. Mr. Sears responded that it does not, they will just have to reconfigure these areas.

Rep. Last asked staff if the students in this program are covered in the growth formula of the base budget. Mr. Leishman responded no, that enrollment stays somewhat flat, and the students served in the districts are counted in the formula. Rep. Last asked if the typical districts have built growth in the budget because of the growth formula, the students in this program have funds appropriated directly. Mr. Leishman responded that was correct.

4. **Follow-up on Education Budget Issues from the February 4th Meeting.**

Mr. Leishman told the committee that he distributed Budget Briefs on Science Outreach and Art Outreach which is a duplication of what has been heard, so the committee can look over the Briefs and he won't discuss them.

Mr. Leishman distributed an Issue Brief on Federal Funds to the committee. He will provide answers to questions and the committee should be ready to approve the funds next week.

Rep. Newbold asked if staff had any recommendations on any of these items. Mr. Leishman responded that they are the various entitlement programs and school lunch programs that come through the State Office of Education. Most do not require any federal match. The Vocational Education Basic Grant and our match is the funds appropriated for Career and Technology Education and the State match is already appropriated in the base.

Rep. Last asked if there had been any discussion in the Fiscal Analyst's Office about statutes that may come with any Stimulus Funds. Mr. Leishman responded that there has not been any discussion, but he assumes it will all go to the State Office of Education since they are the fiscal agent for Federal funds, but does not know if any statutes are needed to distribute these funds.

Rep. Gibson asked if the new school purchase for the School of the Deaf and the Blind is included in the budget. Mr. Leishman responded that the school purchase will be handled through the Capital Facilities and Government Operations committee. His understanding is that if that committee purchases a building this year, it will be the one for the School of the Deaf and the Blind.

Sen. Stephenson asked Mr. Leishman to explain the Utah State Instructional Materials Access Center (USIMAC) and Teacher Salary, Steps and Lanes. USIMAC is an ongoing program funded with one time money appropriated and approved last year. It is a building block because USDB has to ask for the money again. USDB did not know what it would cost to start this program, they know the ongoing costs better now, and it is slightly less than they had anticipated last year. The committee needs to look at a way to reorganize in the Public Education budget in order to fund that item, if not, it will have to be sent to the Executive Appropriations Committee for possible funding. Teacher Salary, Steps and Lanes is an annual salary adjustment required in statute for USDB. The statute requires the USOE to poll all the school districts on what increases their teachers received the prior year, and that weighted average is applied to USDB, so that these teachers remain competitive with teachers in the districts. Statute was amended two years ago to include the steps and lanes. The analysts will have the total cost outlined at the next meeting. In the past this program has been held in the same avenue as general state salary increases, and these decisions are usually made in the Executive Appropriations Committee.

Sen. Stephenson advised the USDB that the USIMAC and Teacher Salary, Steps and Lane changes are not really considered building blocks, because they have been approved in the past as on-going funds.

Sen. Morgan commented that she agreed with Sen. Stephenson that these items have been put into statute and must happen. They are not considered building blocks.

The Analyst noted an accompanying budget brief explaining USDB budgets and proposed reductions. This brief is included with the related materials for the meeting.

a. Educator Licensing

The Legislature has established a method of charging a licensing fee for educators, and through intent language, requested that USDB submit an Educator Licensing fee plan that provided enough revenue to support the cost of USOE Educator Licensing Section. The Board submitted a fee plan, which was approved, and they continue using. The educator licensing fee revenue is credited to the Professional Practices Restricted Subfund in the Uniform School fund. The Analyst referred to the Educator Licensing Budget Brief for details regarding fees and the Licensing Section at USOE. This brief is included with the related materials for the meeting.

Rep. Menlove asked if there was a levy to cut for Educator Licensing. Mr. Lee responded that there was no cut because their revenue covers their expenses and is solely fee based.

b. Indirect Cost Pool

Mr. Lee reported that the Indirect Cost Pool is the Internal Service Fund (ISF) program at USOE. He presented a budget brief detailing the ICP. Page two of the brief has the budget detail table and includes the FY2010 base budget. The committee will need to approve rates for the indirect cost Pool, 12 percent supported by restricted funds and 16 percent supported by unrestricted funds.

Rep. Menlove asked if there is a Federal indirect cost rate. Mr. Lee responded that the rates come from the Department of Education. Todd Hauber, Associate Superintendent, Utah State Office of Education, responded that on a bi-annual basis they visit with the Federal Government on the indirect cost pool and have a discussion of those costs that are allowable, and as long as they are in agreement to what the rates are, USOE can charge Federal Programs these indirect costs rates. The two rates on the restricted and unrestricted are not a revenue source, but they are rates that USOE can or cannot charge within the Catalog of Federal Regulations.

c. Other Business

Superintendent Harrington responded to a request at the last meeting by distributing a Strategic Plan for the USOE. There is a great deal of emphasis on technology, making their

office procedures more efficient and transparent, and English language learners. Page two shows the Utah State Board of Education priorities, page four shows their goals, and the last two pages show accomplishments of this past year and the goals of this year identified by position and person.

Rep. Newbold asked if the State School Board help direct these goals or are they created within the Office of Education. Superintendent Harrington responded that the strategic plan included Board members in that planning session. The annual goals the USOE makes are submitted to the School Board and the Board is using them to update their own plan. They are starting a group called "Promises to Keep" in April. Superintendent Harrington was asked to leading the group and it will include legislators.

Rep. Newbold asked the committee to look over this plan and try to include USOE's goals as the funding discussion begins. Superintendent Harrington responded that as Legislators come up with individual bills, that become part of their goals.

MOTION: Sen. Morgan moved to adjourn.

The motion passed unanimously with Sens. Stephenson and Buttars, and Rep. Garn absent for the vote.

Co-Chair Newbold adjourned the meeting at 3:58.

Minutes were reported by Karen C. Allred, Senate Secretary

Sen. Howard A. Stephenson, Co-Chair

Rep. Merlynn T. Newbold, Co-Chair